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Gender equality and cultural diversity from a comparative Nordic and European perspective

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Multiculturalism in a comparative citizenship frame

The paper looks at the tension between gender equality and recognition of diversity/multiculturalism from a comparative Scandinavian and European context using citizenship as a frame to illuminate the tension between equality and diversity.

Multiculturalism is a contested and the debate about multiculturalism includes competing visions, strategies and policies of equality and diversity. One side gives priority to respect for diversity, while the other side prioritizes gender equality. Multiculturalism has been accused of being gender-blind, and in a provocative essay Susan Moller Okin (1999) has argued that multiculturalism is against women's rights. The paper is critical of the claim that multiculturalism is bad for women arguing that the relation between multiculturalism and women's rights is dynamic and contextual.

How do welfare, gender and migration regimes interact

The paper looks at the relation between gender equality and cultural equality from a comparative perspective focusing on tensions and conflicts in the Nordic countries that are contrasted with France and Germany. The point of departure is Denmark, Sweden and Norway and France and Germany, and in some cases the UK, is selected because they are supposed to represent different welfare, gender and migration regimes. The paper starts with a brief summary of the main trends in the evolution of migration policies in Europe followed by an overview of key elements in integration strategies and philosophies in selected countries. Then it looks at the prevailing philosophies of gender equity and in the ways they are reflected in policy making. The focus is on two contested issues: *The debates about family unification and the veil*. Both questions need to be explored in greater detail by qualitative comparative research. The objective is to raise new research questions about the construction of the gendered conflicts around migration in different welfare, gender and migration regimes.

The citizenship frame

A post-national notion of citizenship can be used to analyse the external and internal aspect of migration. It emphasises the interplay between migration, i.e. legal access to enter the country, and integration policies, including the rights and obligations of individuals living legally in the country and the prevailing philosophies of integration. One aspect is the relation between and norms, values and identities of citizens and non-citizens and the interplay between local/regional national and trans-national aspects of belonging. This paper employs the citizenship frame with a focus on ‘lived citizenship’ as a way to explore political-cultural ‘conflicts’ around gender equality and diversity/multiculturalism. This concept emphasises the relations between majority and minority norms, discourses and practices as well as the importance of the formation of individual, collective and national identities.

Dilemmas in European migration policies

Migration policies regulate access to become citizens in legal terms through the Aliens Act or Act on Nationality. During the 1990s most European countries have developed more restrictive migration policies as a result of high unemployment and welfare restructuring, but at the same time integration policies have been intensified. It has been noted that there is a dilemma between requirements of the human rights regime to open up the EC for refugees and EC realpolitik that requires that we keep unwanted migrant out of the EC for economic reasons (fortress Europe). This has created a link between nationality legislation regulating entrance to the territory and 'integration' legislation.

The European perspective is expressed in EU Directives and guidelines on asylum and migration. Asylum refers specifically to the rules in the European Convention of Human Rights, ECHR (and to CEDAW), whereas migration refers to the rules for integration of workers to the EU as well as between the EC countries. The two have become intertwined since the general stop for 'guest workers' in most European countries. Today only specific categories of workers are allowed on a 'green card' and all other migrants come as refugees or through family unification. This may change in the future because there is a growing need for workers in different EU countries related to the aging population.

European guidelines and discourses

Migration and integration policies are highly contested, and EU has not adopted a common policy, but there are important attempts to harmonize migration policies. The Amsterdam Treaty sought to enhance and accelerate the harmonisation of EU asylum and migration policy created under Maastricht. Asylum matters have become part of Community Law, which means that it is possible to develop binding Community legislation in this area. Member states will be responsible for the implementation through national legislation that must fit with the European immigration and asylum policy and be based on the 1951 Geneva Convention and 1967 New York Protocol concerning refugees. The Amsterdam Treaty set the general structure for action towards a common EU asylum policy, but the spirit and objectives that these measures should follow were expressed at the European Council Meeting on the 15 and 16 October in Tampere, Finland.

The main text from the Tampere meeting discussing “A Common EU Asylum and Migration Policy” did not address gender issues. There is, however, a growing recognition of gender-specific EU guidelines on minimum standards for the qualifications and status as refugees or persons in need of protection. European debates concerning gender-specific issues related to asylum and migration address mainly two areas: a) gender-specific grounds for protection and b) requirements of family-unification.

The first issue was addressed by the Commission proposal for a Council Directive in 2001 that reads: “In particular, where applicants for international protection is a women, account shall be taken of the fact that persecution, within the meaning of the Geneva Convention, may be effected through sexual violence or other gender-specific means.... Sexual violence to refugee women, such as Female Genital Mutilation can also be inflicted for the one only reason of gender. In such a situations, the persecution ground “membership of a particular social group” could apply (Section 2 of Commission proposal for a Council Directive, Brussels, 12.9.2001).

The second issue is family re-unification, which has been stated in a council directive from 2003. The preamble reads: “*Family reunification is a necessary way of making family life possible. It helps to create socio-cultural stability facilitating the integration of third country nationals in the member states, which also serves to promote economic and social cohesion, a fundamental Community objective stated in the Treaty*”. The text states that “in order to ensure better integration and to prevent forced marriage Member states may require the sponsor and his/her spouse to be of a minimum age, and a maximum 21 years, before the spouse is able to join him/her”. The “24 year provision” in the Danish Alien Act (from 2002) that requires that both spouses must be 24 years before they can get a residence permit to marry a non-citizen is therefore only possible because of the Danish reservation regarding legal and interior matters.

Trends in migration policies – the French and German case

During the 1990s the European migration regimes have moved closer together, and it has been noted that each in different ways combine the two principles: *jus sanguineous* and *jus soli*. Some countries, which belong to different migration regimes, have like Germany and France moved in different directions. *Germany* has moved from the ethno-cultural pole - *jus sanguineous* - towards the territorial pole - *jus soli* – (in 2000), whereas *France* has moved from the territorial towards the ethno-cultural pole (in 1993). For example only children of German nationals could previously acquire German nationality by birth. This has changed and now children born in Germany may also be granted German nationality by birth if the parents have lived in Germany for more than eight years. There is also a legal claim to naturalisation for all who have stayed more than eight years if further requirements are fulfilled. The French case has moved in the different direction. Previously a child born in France to parents of foreign nationality automatically acquired French citizenship at the age of 18 if the child had residence in France. This has changed and since 1993 individuals have actively to declare that they want to acquire French nationality.

Multicultural citizenship regimes

Britain and the Netherlands are supposed to belong to plural or multicultural citizenship regimes. Here the political panic about the dependency of migrants of social welfare without work in many countries has been followed by a trend towards more restrictive migration policies. The *British and Dutch migration regimes* are still fairly liberal with only 5 years resident requirements and with the possibility to enjoy dual citizenship in Britain. The *Dutch Nationality Act* dates back to 1985 with only minor amendments, the most important being the amendment of 2003. The general trend is that it has become a bit more difficult to gain nationality, for example pass a nationalisation test, and there are new requirements for keeping Dutch nationality if one is abroad.

Scandinavian citizenship regimes?

The *Scandinavian* countries belong to the same world of welfare and gender regimes and have been regarded as liberal and tolerant towards immigrants and refugees, but recent research has documented that this has not been the practice. They have had rather pragmatic attitudes towards migration of foreigners, and it is only since the 1970 that they have experienced large immigration mainly from the Middle East. Sweden is the most liberal Nordic migration country and has been a pioneer in terms of integration. Today 15 percent of the population are immigrants, whereas the percentage in Norway and Denmark is 7 and 6 percent respectively. Scandinavia has a common historical heritage and in all three countries there is today a social nationalism closely linked to the creation of the welfare state. In terms of migration there is no Nordic model. Norway is a relatively new nation, with a strong ‘official’ nationalism. According to a recent study the political histories in the two old nations, Sweden vs. Denmark, have created two forms of nationalisms that have been described as ‘official’ nationalism ‘from above’ dominated by elites vs. ‘informal’ nationalism ‘from below’. Arguably the strong emphasis on the dual breadwinner model and a thick notion of gender equality has today become part of Nordic nationalism. This can explain the tensions between gender equality and respect for cultural diversity, which creates gender ‘conflicts’ around patriarchal family forms. The prevalent philosophies have both potentials for equal treatment of young minority women as well as barriers for respecting the family culture and values of ethnic minorities.

Requirements for naturalization

One of the most important requirements for naturalization in Europe is requirement of residence. At one pole there are relatively strict requirements of residence: 12 years in Spain (since 2002?), nine years in Denmark (a change from seven years in 2002), eight years in Germany (a change from 15 years in 2000) and Finland, and seven years in Norway. At the other pole there are relatively liberal residence requirements, only five years in Britain (since 2002?), the Netherlands and Sweden (since 2001), less if you are stateless or refugee. Denmark has moved from a relatively liberal towards a restrictive immigration regime between 1983 and 2002, whereas Sweden has accepted double citizenship for the first time with the Swedish act on nationality from 2001.

The European guidelines emphasise the right to family-unification, and most countries have more liberal requirements for spouses. Most countries also have some kind of language requirements but the tendency is to become more restrictive and demand language or even nationality tests. According to the Dutch nationality Act of 2003 you must be able to show that you are sufficiently integrated in Dutch society and is able to speak, read, write and understand the Dutch language reasonably well. By passing a naturalisation test before you submit an application for naturalisation. Finland has adopted a language test, and in Denmark you have to document a minimum skill in Danish language and knowledge of history, culture and society.

Key elements in integration policies

During the 1990ies the link between nationality legislation regulating ‘entrance’ to the territory and ‘integration’ legislation has become more visible. The objective of integration is to transform foreigners to ‘citizens’ through national policies of ‘integration. They are based upon normative assumptions ranging from philosophies of assimilation at the one end and pluralist integration at the other. Integration policies, norms and discourses specify the rights and obligations of a good citizen and construct the boundaries between ‘them and us’ between ‘citizens’ and ‘non-citizens’. Legislation is janus-faced and may often have a double effect of including and disciplining citizens, for example the demand to learn the language. The following section gives a brief overview of the main tendencies and national variations in integration policies in selected policy areas. The focus is on differences in philosophies of integration in France, Germany, Denmark and Sweden.

Integration is controversial and what is perceived as good integration is contextual. Integration is a broad and fuzzy term that concerns different policy areas that may include social, political, cultural and civil rights as well as anti-discrimination legislation. Many welfare states have adopted policies to promote ‘integration’ to improve migrants’ opportunities to realize their rights, going beyond formal rights by encouraging participation and a sense of belonging; for example through labour market schemes, social care and general welfare, education, language training, and support for NGOs etc.

Integration policies in Scandinavia

Sweden, Norway and Denmark have all developed pro-active integration policies during the 1990s, and political efforts to integrate immigrants and refugees on the labour market and in political and cultural life have been strengthened. In spite of this there is a growing acknowledgment that integration has failed. One of the main indicators is the high unemployment rate for newcomers compared to majority population.

Sweden was the pioneer and has adopted new policies towards and 'Storstadsstatsningen' (from 1997) directed towards breaking social segregation in local communities marks a shift away from specific programmes directed towards minorities towards general welfare programmes..

The first Danish Integration Law from 1999 is an example of proactive policies and illustrates the ambiguities in the term 'integration'. The objective of the Law is stated as 'equality' in the sense that integration aims: 1) to give newly arrived foreigners the possibility to participate equally with other citizens in political, economic, work, social, religious and cultural life, 2) to contribute to economic self-sufficiency, and 3) to give the individual understanding of Danish cultural values and norms. In the official view the Law is a step towards equal citizenship for minorities, but it has also be interpreted as an attempt to assimilate minorities to Danish values and the Danish way of life. There is no evaluation of the general effects of the law, and critics have pointed out that the different principles make it open to contrasting regulations and implementations.

Scandinavian welfare states are based upon universal social rights to all citizens, and immigrants and refugees normally have the same rights as native citizens. One exception to this general rule is the introductory benefit called the ‘start help’, adopted in Denmark in 2002. Non-citizens only gain the right to full and equal social benefits after 7 year in Denmark. The ‘starthelp’ - called the ‘introduction grant’ - is highly contested, and there has been a considerable critique of this attack on the social rights of refugees. It is criticised both as a form of discrimination that reduces their economic resources, as an attack of universalism and as a breach against the equal treatment principle in the human rights conventions. The official claim is, based upon economic expertise, that the grant is a positive incentive to integrate refugees on the labour market, but critiques have documented that it is a barrier to social integration of refugees that increases their poverty.

In Scandinavia as well as in most European countries integration on the **labour market** is perceived to be the key to other forms of integration but there are variations in requirements for activation of workers, including requirements for minority mothers/single mothers to do wage work, in rights/obligations for minority children to learn the language before they start school and attend kindergardens or day care centres. The integration issues are related to normative questions about what is a good citizen, a good mother or a good worker etc. The demand that minorities should be expected to learn the native language and pass language tests can be seen both as a positive and negative factor for integration.

One important welfare area is **social rights**. In most European countries there has been a general trend toward cuts in social provisions and benefits and a tightening of control and supervision.

Another crucial area is **democratic politics**. To what extent do minorities have ‘a voice and a vote’ through representation in local and national elections, participation in voluntary associations and a voice in public debates. Voting rights are contested and there is often a gap between formal rights and the will and capability of different migrant groups to use these rights. Ireland was the first European country that gave foreigners voting rights in local elections in 1963, followed by Sweden in 1976 and Denmark in 1981, Norway in 1982 and the Netherlands in 1985. In many countries it is still only EU-citizens that can vote in local elections.

Cultural rights are perceived to be a crucial arena for integration. They are ambiguous because they refer both to the right to be treated as equals and to special group rights that respect cultural diversity, for example the right to practice your own language, religion, dress and behaviour. Cultural rights often concern the daily lives of minority women. One illustration is the debate about women’s use of the scarf. It is interpreted by the prevailing philosophies either as the civil right to wear a head-scarf as workers, teachers or pupils or as the state’s right to keep religious symbols out of the public arena. It is an illustrative example of a gender-specific integration issue that have different framings in countries like France, Germany, the Netherlands, the UK, Denmark and Norway.

European countries also have different traditions in relation to **anti-discrimination** legislation. Some countries, like Britain, have strong traditions for anti-discrimination legislation, while other countries, like the Nordic countries, have no tradition for anti-discrimination legislation. The UN Race discrimination Convention from 1965 and the European Human Rights Convention from 1965 have strengthened the awareness of discrimination in Europe, and the legislation has gradually been implemented in most European countries. Again more comparative research is needed about the implementation of antidiscrimination legislation cross-nationally.

One example is Denmark. Here ethnic discrimination has been against the law since 1971, but it was not till 1996 that a new law against Ethnic Discrimination was adopted in relation to the Labour market. The Board for Ethnic Equality was established in 1993 but dissolved again in 2002 and the tasks were moved to the Institute for Human Rights. There is a growing international criticism of Danish discrimination and intolerance, for example from the European Commission against Racism and Intolerance (ECRI) and the United Nations Committee against Race Discrimination (CERD), and UN's Women's Committee (CEDAW). The government has rejected or ignored the international critique, but there is a growing public debate about whether Denmark does indeed confirm to international Conventions and obligations.

To sum up: Main tendencies in migration policies

Have we moved towards pluralist integration or assimilation of foreigners, and what are the implications of the different integration policies for gender relations? One trend is the general tendency to restrict access to the territory that is expressed in the move from a liberal to more restrictive policies towards immigrants and refugee and in most countries during the 1990s. The best examples would be Denmark and France. The best examples of a move to a more liberal regime are Sweden that has accepted double citizenship, and Germany where requirements for residence have been shortened considerably.

The second major trend is the tendency to restrict immigration and intensify 'integration'. The Danish case is an illustration of both tendencies, since the move from a liberal to a restrictive regime during the last 20 years has been accompanied by ambitious and comprehensive integration legislation in 1999.

The gender aspect of European asylum and migration legislation refers to two issues: 1) gender-specific persecution as grounds for recognizing a refugee status according to the Geneva Refugee Convention and 2) the right to family-unification. Most countries have adopted policies about the right to family-unification according to EC Directive 2003/86 with the exception of Denmark who is able to maintain legislation of family reunification that is stricter than other member states are allowed to have.

How are the debates gendered?

The objective of this section is to illustrate how the two selected cases are framed by different policies, discourses and perceptions of the public and private arena across Europe shaped by national histories, political institutions and belongings. The first case is the debate about forced and arranged marriages that are contested issue in countries like Denmark, Norway and Britain. The other case is the debate about the headscarf that has become a hot issue in France, Germany and the Netherlands. What is the framing and arguments of the dominant discourse and who are the main actors? And why has it become an important issue? How are the political issues shaped by national and international debates and political contexts and philosophies? These are research questions, and more qualitative comparative research is needed in order to answer them.

The debate about family- unification

It has been noted that family-unification is one of the most obvious examples of the problems for authorities navigating between realpolitik and humanitarian principles. There is a universal need to be able to live with one's family that is also protected by international conventions. At the same time family-unification has become one of the most important migration gates to Western Europe. Family-unification has therefore become politicised and there is now a EU Directive on Family Unification for Third country nationals (Council Directive 2003/86/EC). In many countries family unification has also become a hot/contested issue in integration policies that is employed to construct a border between 'them' and 'us'. Denmark is as mentioned earlier a special case because of the Danish adoption of four reservations to the Maastricht Treaty– the EURO, the European army, EU citizenship and legal and interior matters – which allows it to have stricter rules concerning family-unification than other member-states are allowed to have according to EU Directive 2003/86 on family-unification. The "24 year provision" in the Danish Alien Act § 9 (from 2002) that requires that both spouses must be 24 years before they can get a residence permit is exceptional and has been widely criticised, but there have been similar proposals and debates in Norway.

Dominant discourses

The Scandinavian countries have expressed a common concern about gender equality, women's rights and oppression of girls in patriarchal families, but there are remarkable differences in the policies and discourse about family unification. Denmark has turned to strict immigration laws and action plans while Norway has adopted an Action Plan against forced marriages and Sweden has adopted an Action Plan against oppression of girls in patriarchal families.

In Denmark the present amendment of the Aliens Act law from 2002 was adopted by the Liberal-Conservative Government with support of Danish People's Party. The primary aim is to limit the number of immigrants. Secondary goals include the prevention of forced marriages and to ensure "the best possible base for a successful integration". The Government "Action Plan for 2003-2005 on Forced, Quasi-forced and Arranged Marriages" illustrates that the official discourse aims not only to prevent marriages that involve force, which is against the law, but also to prevent all forms of arranged marriages, including between cousins. The main conflict is between the majority norms about gender equality in 'normal' families and the tradition of forced and arranged marriages that is said to express a lack of self-determination for minority women. Both forced and arranged marriages thus have the same negative effects in relation to lack of self-determination and integration. The emphasis is put on restrictive policies and negative discourses and not on preventive measures and dialogue.

The centre of Danish, and according to Anja Bredal increasingly also Norwegian policies, is a strong discourse that presents marriage as a strategy for immigration, which is different from the more liberal British approach. The issue of family unification has in both countries been used to legitimise stricter immigration legislation, including policies that are questionable from a human rights perspective. There is a real dilemma between the fight against forced marriages and strengthening women's position in minority groups and the need to avoid racial discrimination and human rights violations. In the Scandinavian countries political parties have used the discourse of women's rights for racist and discriminatory purposes and in Norway and Denmark there seems to be a need for less restrictive policy regulations of family reunification on a general level. This should not be read as an argument for accepting a form for multiculturalism that resists state intervention in "private matters" such as violence against women and fight to preserve patriarchal practices and "traditions". The alternative to restrictive policy regulation could be proactive policies, and preventive initiatives based on dialogue and research sensitive to lived citizenship/lived culture, for example how different groups of young migrants interpret their situation.

The debate about the head-scarf

The EU has no explicit regulation of religious issues, but anti-discrimination directives prohibit discrimination on grounds of religion in Member States. There has been an intense debate about wearing headscarves in some European countries but the framing of the issue has been different. In other European countries, for example in the UK, it has not been pressing topics of public debates. It is a women's issue because it concerns women but the topic is often presented as a gender-neutral issue concerning religion and culture. *In France* there is a ban of headscarves for pupils to public schools because religious symbols are interpreted as being against the republican principle about separation of the state and the church and as a threat to 'laïcité'. *In Germany* six provinces have a ban of headscarves of teachers in public schools but private business may not prohibit headscarves at work. *In the Netherlands* there is no general ban of veil; headscarf for court personnel is forbidden and dress code for students prohibits burqa and niqab. *In Denmark* there is a debate about the employer's right to set up a general dress code contra and the ban against employees wearing a headscarf has been interpreted as an indirect form of labour-market discrimination. *In Britain* the wearing of headscarf is not legally regulated, schools are allowed to set up their own dress codes and government guidelines allow wearing a veil for a passport photo. In the following we look at the different framing of the issue in more detail in France, Germany, the Netherlands, and Denmark.

Prevalent philosophies, discourses and policies

In **France** a heated debate about religious symbols in the republican schools resulted in the adoption of a Law from 2004 that forbids the wearing of “ostentatious” religious signs. The debate about the foulard is situated in the interpretation of universalism and diversity in the French context and what is at stake is the construction of national unity and republican identity. The prevalent republican philosophy is different from both the liberal vision centered on individual rights or a liberal version of integration, where the state accepts specific group rights, as well as from the Scandinavian emphasis on universal welfare rights.

One main question for me is, what may explain the changed attitudes on the Left and among feminists? In the French political context the issue was first exploited by the extreme Right (in 1989), then by the Rightwing government (in 1994) and finally it was supported by both Left and Right (in 2004). The arguments were the national fight against insecurity and the international fight against terrorism. The debate has become international with Fukiyama pro and Giddens against it. French feminism is divided. Two influential feminists have adopted radically different positions. Anne Zelinski, close to Simone de Beauvoir’s egalitarian position, has signed a petition in le Monde in support of the law and she even wants to ban the foulard on the streets. Another egalitarian feminist, Christine Delphy, is critical of the law, because it may contribute to exclude Muslim girls from the public schools. Both positions aim to liberate Muslim girls and argue on their behalf.

How have feminist researchers interpreted the debate? Francois Gaspard emphasises that the meaning of the foulard is situated and contextual. It can be both a sign of oppression and a demand from young girls, who often chose to wear the foulard against the wishes of their families, for recognition of their identity. In the latter case the foulard can be interpreted as an instrument of autonomy that protects them from male violence in the public space. In Turkey where the foulard is banned not only in schools but also at the universities and in Parliament wearing the foulard has become a political statement for Muslim women. Gaspard finds that women have become prisoners of national and international politics, and she seems to support both respect for religious diversity of minorities, including women's right to autonomy as universal principles.

The question is how to solve the conflicts between the two:

- Kymlicka's position validating respect for diversity 'that all cultures should be treated as morally equal'
- Okin's position validating gender equality 'that all cultures should effectively treat each other as moral equals'?

My point is that it is not a universal conflict but must be solved by listening to the arguments of the parties in different context.

Sawitri Saharso has analysed the different framing of the debate in **Germany and the Netherlands**. Interesting to me is both the difference in the two cases but also the discursive splits in society and the shifts in legislation and public opinion. The Courts saw the conflict as being basically between positive and negative religious freedom and the lower Courts ruled in favour of the latter. The Federal Constitutional Court, however, came with a double judgement:

- A ban for teachers to wear a headscarf in school is against public law of Baden-Württemberg.
- The change of society and the growing religious plurality can be a cause for the legislator to redefine religious relations in the school

The judgement was followed by a political split between a ban in federal states dominated by the Christian Democratic Party and individual examinations of teachers in federal states with the Social Democratic Party in power. *Sawitri Saharso* concludes that the German public thought on the headscarf is divided and so is the policy reaction to the headscarf. The debate is, as in the Netherlands, about the meaning of the neutrality of the schools.

The **Netherlands** is thought to represent a multicultural model, and the issue of the headscarf seems less contested than in France but more contested than in Britain. According to Saharso this is related to the Dutch system of pillarization where state neutrality does not imply banning of religion from the public sphere, but rather the guarantee that each creed has a right to self-representation and self-organization. She notes that the Islamic headscarf is very much accepted in public life in the Netherlands and headscarves are only controversial when carried by public officials such as policewomen, lawyers and judges. On the other hand, it was agreed that Muslim girls who want to wear the hidjab at school, could be refused admission. The reasons for that refusal, however, were not religious. My question would be whether there are important changes on the way in the Dutch multicultural model and what role gender relations play in these changes?

In **Denmark** there is no ban for girls to wear headscarves in public schools. The political debate about the headscarf has been framed as a debate about indirect discrimination at the labour market and it is a conflict between employers right to decide vs. trade unions support of anti-discrimination on religious grounds. The first case was raised in 1998 by a young Muslim girl who wanted to do an internship in a big department store as part of her school education. The employer sent her home, because she would not take off her scarf that she claimed she wore for religious reasons. The High Court argued that even though she was under education she was still protected by the new anti-discrimination law and could not be dismissed solely on the ground that she wore a scarf – for religious reasons. The ban on scarves was interpreted as an indirect discrimination towards a specific religious group and the employer was fined 10.000 DDK.

In the second case the employers won. A young girl employed for five years decided to wear a headscarf - against the dress code of the supermarket and was eventually fired. Her trade union argued that she was the victim of indirect discrimination. The employer argued that she did not live up to the general dress code for employees to be 'professionally and nicely dressed'. In 2003 the High Court found that the dismissal was legal because the supermarket had a uniform and the ban on the headscarves was a general ban on all forms of political, religious and cultural symbols. A Supreme Court Decision confirmed this in January 2005.

Human Rights lawyers were surprised that the Court accepted subjective and not objective arguments as safety and health as reasons to ban religious headscarves. The argument that employees must appear 'identical' can be discriminating not only for religious minorities but also for minorities with a different skin colour as well as for handicaps. The implication is that private companies have the right to decide whether it is against their 'dress-code' to wear headscarves. Some companies have quite advanced multicultural policies concerning the scarf, while others, for example the Danish cooperation of retail stores, Dansk Supermarked A/S, still has a ban on scarves in their shops.

The issue of the headscarf raises questions about the different political contexts, discourses & about the role of women's agency:

1. What are the arguments in the political opportunity structure?
2. How has the political opportunity structure changed?
3. How are minority women represented in the dominant discourse, and
4. How do they present themselves?
5. What are their motives and identities

To sum up: The debates about family-unification and the headscarf both tell stories about representation, discrimination and self-presentation of minority women and about the different motives for their decision to marry or wear a veil that is shaped by national and local contexts. They illuminate the conflict between patriarchal oppression in traditional cultures and the dominant discourses and norms about equality. Studies illustrate that lived culture is dynamic and minority women are able to negotiate between the majority norms and their own family culture – between their private and public lives. Minority women often feel that they belong to different nationalities, or social and cultural groups.

- The gender perspective points towards the specific *democratic challenge* to create conditions for the voices of ethnic minority women to be heard in minority organisations and on the public arena.
- The *multicultural challenge* points towards the need to combine the vision of equality with principles that respect diversity of religion, culture and values, including different family cultures and equality norms.
- Finally the *gender-political* challenge emphasises the need to create constructive dialogues between different feminist visions and gender equality norms. Policy makers/ researchers need more knowledge and should be more sensitive to how individuals in their daily lives experience the diversity of family traditions and norms regarding relations between generations and gender

Conclusion

The paper has focused on the linkages between migration and integration and between political institutions and the political-cultural through the gendered policy debates. The comparative approach is used to illustrate how the framing of the same issues is shaped by different political histories, institutions and philosophies. France and Germany are thought to represent different migration regimes and belong to different welfare regimes and gender models. They have both recently decided to ban the headscarves although political institutions; national identities and gender ideologies have influenced the different framings of the issue. This case raise critical questions about the interplay between national and international politics and indicate that there are both continuity and shifts in the prevailing national philosophies, discourses and policies about public regulation of minority religious practices.

Britain and The Netherlands are both post-colonial countries that belong to the same liberal migration regime but to different welfare and gender models. They can contribute to illustrate the gendered tension between multiculturalism and assimilation from the pluralist pole. Both countries subscribe to philosophies that tend to accept a public-private divide but the histories, institutions and discourses are different. The question is whether there we will see a shift in the prevailing multicultural philosophies because of changes in national and international politics?

The Scandinavian countries belong to the same model of welfare and gender but have adopted different migration strategies. They can contribute to illuminate the special tension between multiculturalism and gender equality. The universal welfare state is closer to the redistributive than the recognition dimension. It is not morally neutral and immigrants must often abandon cultural beliefs and practices that violate the norms of Scandinavian solidarity, including gender equality. The prevailing national philosophy today includes a discourse about gender equality that has arguably been a barrier for recognition of cultural diversity. The welfare regime is based upon a public-private mix and gender equality is perceived as a national political ideal, and the question is how to create a dialogue between the prevailing discourse of gender equality and respect for religious and diversity of family forms and gender equality norms?

